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**Subject:** Nine Point Plan for Housing on Hornby Island

Dear Tim, Alex and Grant:

Congratulations on being members of the Hornby Island Local Trust Committee for the coming term. I am so grateful to you for being there and I wish you well as you face the inevitable challenges.

As you determine the work program for this term, I would be grateful if you would give some attention to the attached **Nine Point Plan for Housing on Hornby Island**.

I have put considerable thought into preparing it.

It follows active engagement in housing challenges for the past quarter century, including experience gained from being:

- a member of the Hornby Island Local Trust Committee from 1996-2018;
- chair of the Islands Trust Council's Community Housing Task Force
- president of the Islanders' Secure Land Association
- appointed member of the Comox Valley Regional District Select Committee on Homelessness and Housing
- organizer of a conference on *Housing Solutions for Small Communities*.

From all this, I have learnt that housing solutions are far from easy in a community such as ours.

The recommendations I have included in the attached paper are ones that I believe could make a difference and are implementable within the authority of the local trust committee.

I hope this is helpful.  
Thank you.

Tony Law.

# **A Nine Point Plan for Housing**

## **Recommendations for the Hornby Island Local Trust Committee to Support Housing Opportunities on Hornby Island**

*submitted by Tony Law  
2 April 2022*

### **Utilizing Existing Housing Stock**

According to the 2018 Housing Needs Assessment, about half of the dwellings on Hornby Island are not occupied as year round residential homes. Of those that are, almost half of households consist of only one person. Of the approximately 600 dwellings on Hornby, almost a third are being advertised for visitor accommodation. This section identifies three ways to support increased use of existing housing stock to provide residential housing.

#### **1. Encouraging secondary suites**

The *Hornby Island Land Use Bylaw* includes regulations for secondary suites that are permitted in dwellings on residential and agricultural lots that are 2ha or larger. It appears that there has been little if any uptake of this opportunity.

This could be because landowners:

- are not aware of this opportunity or
- find the bureaucracy and regulations too much of a barrier or
- do not find this a desirable option.

The local trust committee could:

- a) Review regulations to make permitted secondary suites a more accessible option.
- b) Publicize this option in the community and encourage its consideration.

#### **2. Capping Vacation Home Rentals**

Vacation home rentals are a permitted use on all lots in all residential and agricultural zones. When the legalization of this use was being proposed, planning staff and local trustees encouraged the community to consider Temporary Use Permits as the way to allow vacation rentals. One reason for this was that the use of TUPs, unlike zoning regulations, could allow the number of vacation rentals on the island to be capped by limiting the number of TUPs that would be issued. This approach was rejected by the community – or at least by the over-whelming majority of those in the community who made their voices heard.

There is now some alarm at the proportion of housing stock being used for commercial visitor accommodation. It might be time to take a different approach that would enable the number to be capped.

This could be done by:

- a) Amending OCP policies to enable the following:
- b) Deleting Vacation Home Rentals as a permitted use in zoning regulations.
- c) Requiring registration of those operations that would have legal non-conforming status by continuing operating in compliance with the pre-existing LUB regulations.
- d) Requiring any vacation rentals that lose this status (either through exceeding the regulations or by not operating continually) and possible new operations to apply for a Temporary Use Permit.
- e) Establishing new guidelines for Temporary Use Permits.
- f) Determining the total number of vacation rentals that are appropriate for the island (this could be equal to, or more, or less than the number actually operating). This would be the cap.
- g) Specifying each year the maximum number of TUPs that may be issued to fill any gap between the number actually operating and the established cap.

### **3) Advocating for Tax Incentives**

Advocacy could be directed to the provincial government (preferably in concert with the Islands Trust Council and the Comox Valley Regional District Board) to establish tax incentives that might encourage more of the housing stock to be used for residential purposes.

#### **a) Applying the Speculation and Vacancy Tax**

The speculation and vacancy tax, introduced in 2018, is designed to turn empty homes into housing for British Columbians. According to the 2020 annual technical report to mayors, the tax helped to add 18,000 units to the long term rental market and generated \$80 million in revenue directed to funding housing, shelter, or rental initiatives in the 5 regional districts where the tax applies.

The Comox Valley Regional District is not currently one of the regional districts to which this tax applies (and the legislation currently excludes islands “usually accessible only by air or water”). However, the Act requires periodic reviews and can be amended (it already has been). It could be amended to include the Comox Valley Regional District (or at least specified jurisdictions within CVRD such as the Hornby Island Local Trust Area) and to exclude Hornby Island from the excluded islands.

#### **b) Amending the Home Owner Grant Program**

In 2018, the province’s 30 Point Plan for Housing Affordability in British Columbia committed to “reviewing the Homeowner Grant to provide fairness for renters”. This has not yet happened. One way the Home Owner Grant could benefit renters is by amending it to create an incentive that will encourage more availability of rental homes. An equivalent to a Home Owner Grant

could be applied to situations where a dwelling provides a year-round home for a household through a residential tenancy agreement.

### **Permitting Additional Housing Stock**

Because Hornby Island is a destination community, there is a demand for using permitted dwellings for purposes other than providing residential housing for current residents (purposes such as for recreational or seasonal uses, accommodating family and friends, vacation home rentals, future retirement, investment or a combination of these purposes). Permitting additional dwellings with the objective of making more housing available for residents needs to be done in a way that makes these dwellings more likely to be used for the intended purpose than for non-residential uses.

#### **4) Enabling land co-operatives**

Land co-operatives have in the past provided a way for some residents to establish homes on the island. An OCP policy enables consideration of applications for appropriate lots to be rezoned for this purpose and to have additional density.

This policy has not resulted in any applications.

The local trust committee could publicize this policy to the community as there may be a lack of awareness about it.

#### **5) Increasing potential density in an appropriate zone**

Proposals for increasing density are usually controversial. Here is an approach which may be the least controversial. It mirrors what is happening on some other islands in the Trust Area where additional “cottages” are permitted on larger lots. It might also be able to utilize a relatively new provision in the *Local Government Act* to secure residential rental housing.

Here are possible steps for accomplishing this:

- a) Establish a new “Multi-Family Zone”
- b) Specify eligibility criteria for lots that might be included in this zone:  
eg lots that are:
  - not in the ALR;
  - not in an environmentally sensitive area;
  - not in a moderately or highly developed aquifer;
  - not smaller than 2ha
- c) Develop regulations which would :
  - allow a secondary dwelling unit for each existing permitted dwelling unit
  - limit the floor area of both units combined to that presently permitted for one dwelling unit (300m<sup>2</sup>)
  - limit the size of the floor area of a secondary unit (100m<sup>2</sup>?)
  - prohibit vacation rental use on the lot
  - require that at least one of the two units be used only for residential rental tenures (if it

is determined that *section 481* of the *Local Government Act* can be applied to land use regulation on Hornby Island).

- d) Request applications for eligible lots to be rezoned for inclusion in the new zone and subject to its regulations (applications could be batched on a regular basis with only a nominal fee)

## **6) Supporting community housing developments**

Non-market housing is the best way to ensure that housing is available for residential uses by those who need it. The local trust committee can actively support applications for non-market housing by treating them as a priority, facilitating an effective process, providing advocacy to other agencies and levels of government as required and by considering any applications to increasing density in existing community housing zones.

### **Enabling Temporary Housing Solutions**

A good number of housing solutions involve a particular property owner providing a housing opportunity for a particular resident (such as offering a cabin for rent or giving permission for a mobile unit to be sited) which may or may not be legally permitted in land use regulations. One way to legalize such situations is to consider a zoning amendment for that particular property to permit the additional density. But that is an onerous process and, if successful, the density would continue to run with land after the particular circumstance (involving a particular landowner and a particular resident) is long gone. The only other way to legalize such situations is to consider a Temporary Use Permit (which provides a non-permanent zoning amendment). However, there are challenges with TUPs that need to be addressed.

## **7. Streamlining Temporary Use Permits for Housing**

There is a disconnect between the facts that there are many “non-permitted” housing situations on Hornby Island and that the OCP provides for a permitting process to allow them. The local trust committee should review the OCP policy, the TUP guidelines, the application process and the fee structure to better support applications (which have so far been non-existent). The process could be streamlined with a simpler process involving applications considered in batches with a reduced fee.

Temporary Use Permits cannot specify the use of a dwelling; to counter this, perhaps there should be a policy that TUPs will not be renewed in situations where it is known that the unit was not being used for the intended residential purposes.

## **8. Allowing placement of mobile units through Temporary Use Permits**

A good number of residents facing housing challenges are seeking opportunities to place a mobile unit (trailer, caravan or movable tiny home) on someone’s property as a solution. The local trust committee should consider amending policy and guidelines to facilitate permitting this solution in an easy and accessible way using Temporary Use Permits.

## 9. Advocating for amendments to the *LGA* with respect to TUPs for housing

Temporary Use Permits were originally established as Temporary Use Permits for Commercial and Industrial Uses to enable consideration of such uses in zones where they would not normally be permitted. The regulations in the *Local Government Act* were put in place to address this purpose. A number of years ago the “for Industrial and Commercial Uses” specification was dropped, which now allows TUPs to be considered for other purposes, such as housing. However, most of the original requirements in the *Act*, that were pertinent to commercial and industrial uses but are not so much relevant for housing, were retained. In particular, the requirement for public notice and the restriction of permits to only being renewed once are barriers to TUPs being used for permitting small additional housing opportunities.

The local trust committee could advocate to the province that *Division 8* of the *Local Government Act* be amended to make Temporary Use Permits more appropriate for permitting specific housing situations by specifying:

- a) that *Section 494* (Public notice and hearing requirements) does not apply to applications involving a single dwelling unit, and
  - b) that the requirement in *section 497.2* stating that a permit can only be renewed once does not apply where a permit only permits a single dwelling unit.
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